

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)
)
Revision of the Commission's Rules) CC Docket No. 94-102
To Ensure Compatibility with) RM-8143
Enhanced 911 Emergency Calling Systems)

ORDER

Adopted: December 1, 1997

Released: December 1, 1997

By the Chief, Wireless Telecommunications Bureau:

1. On December 1, 1997, the Commission adopted a Memorandum Opinion and Order on reconsideration revising several provisions of the Commission's Rules regarding 911 calls and wireless carriers.¹ Certain of those revised rules will take effect upon their publication in the Federal Register, and others will take effect at a later time. In this Order, the Wireless Telecommunications Bureau (Bureau), on its own motion and on delegated authority,² adopts interim measures to clarify the rights and obligations of wireless carriers until the rules adopted by the Commission are in effect.

2. Section 20.18(c) of the Commission's Rules³ currently requires wireless carriers subject to the rule to be capable of transmitting 911 calls from individuals with speech or hearing disabilities, through means other than mobile radio handsets, *e.g.*, through the use of

¹ Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Memorandum Opinion and Order, FCC 97-402, adopted Dec. 1, 1997 (*E911 Reconsideration Order*). The original wireless E911 rules were adopted in Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18767, 61 Fed. Reg. 40348 (1996) (*E911 First Report and Order*).

² See Sections 0.131, 0.331, and 1.3 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331, 1.3.

³ 47 C.F.R. § 20.18(c).

Text Telephone Devices (TTYs). From the record in the reconsideration proceeding and in later *ex parte* filings, it appeared that while it is currently feasible to transmit TTY calls through wireless analog systems, it may not be technically feasible to achieve TTY compatibility with digital systems and handsets at this time. Section 20.18(c) was scheduled to take effect on October 1, 1997, but was suspended by the Bureau through November 30, 1997.⁴

3. In its *E911 Reconsideration Order*, the Commission decided to suspend the enforcement of the TTY requirement for digital systems for 12 months until October 1, 1998. Because the Bureau's suspension expired November 30, 1997, parties who requested additional time to modify their systems, and similarly situated carriers who use digital systems, could face the possibility of enforcement action by the Commission for violation of Section 20.18(c) during the period from December 1, 1997, until the revised rules implementing the TTY deferral take effect.⁵ Accordingly, the Bureau believes that there is good cause to extend its suspension of the original rule for an additional brief period until the revised rule adopted by the Commission takes effect upon its publication in the Federal Register. At the same time, however, we recognize the need to limit the scope and duration of the temporary suspension in order to facilitate the public safety goals of this proceeding. Our temporary suspension of the enforcement of Section 20.18(c), therefore, will be limited to carriers subject to this rule to the extent they use digital wireless systems. Covered carriers using analog systems are subject to the TTY compatibility rules effective December 1, 1997.

4. The original provisions of Section 20.18(b) of the Commission's Rules⁶ require covered wireless carriers to transmit all 911 calls from handsets that transmit a code identification (e.g., those with a Mobile Identification Number). In addition, under Section 20.18(b), carriers must follow requests from public safety answering point (PSAP) administrators to receive all 911 calls, regardless of whether a handset transmits a code identification. The record in the reconsideration proceeding and in later *ex parte* filings, however, indicated that wireless carriers are technically not able to screen 911 calls in order to transmit only those that are code identified. Parties also claimed that it may not be feasible to implement "PSAP choice," especially in areas where wireless switches serve multiple

⁴ Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Order, DA 97-2119, released Sept. 30, 1997 (*Stay Order*).

⁵ See note 4, *supra*; *Stay Order* at para. 2.

⁶ 47 C.F.R. § 20.18(b).

PSAPs. In the *Stay Order*, the Bureau suspended the effective date of this provision from October 1, 1997, through November 30, 1997.⁷

5. In the *E911 Reconsideration Order*, the Commission revised its rules to require that covered wireless carriers transmit all 911 calls to PSAPs without validation and without regard to code identification. To the extent wireless carriers are in fact technically unable to implement the code identification and "PSAP choice" aspects of Section 20.18(b) of the Commission's Rules, the carriers thus could be liable for enforcement proceedings and penalties, as of December 1, 1997.⁸ In order to facilitate the public safety goals of the Commission's decision in this proceeding and to avoid unnecessary enforcement proceedings, the Bureau clarifies that covered wireless carriers will be considered in compliance with Section 20.18(b) if they transmit all 911 calls without any transmission delay, effective December 1, 1997, until the revised rules requiring transmission of all 911 calls take effect upon publication in the Federal Register. That is, wireless carriers can comply with the Commission's rules without regard to code identification or "PSAP choice" provided they transmit all 911 calls to PSAPs. The Bureau believes this interpretation is reasonable because it provides for continuation of the current common practice of wireless carriers to transmit all 911 calls,⁹ and because our action will ensure continued access to 911 services for wireless customers, while clarifying for wireless carriers how they may comply with the Commission's rules without risk of enforcement action.

6. The Commission also revised the definition of "covered specialized mobile radio (SMR) carriers" subject to the 911 rules in the *E911 Reconsideration Order*. Under the revised rules, "covered SMRs" includes only providers of real-time, two-way interconnected voice service the networks of which utilize intelligent switching capability and offer seamless handoff to customers. The Commission also extended this definition to broadband personal communications service and cellular service, as well as SMR service. We will suspend enforcement of the requirements under Section 20.18 for any SMRs or other wireless carriers that might be considered "covered carriers" under the original rules but who would not be so defined under the revised rules adopted by the Commission until those revised rules take effect upon publication in the Federal Register.

⁷ *Stay Order* at para. 2.

⁸ See note 4, *supra*; *Stay Order* at para. 2.

⁹ See Wireless E911 Coalition *Ex Parte* Filing at 2 (July 10, 1997). The Wireless E911 Coalition consists of the following parties: Bell Atlantic NYNEX Mobile, BellSouth, Ericsson, Motorola, Nortel, Nokia, Omnipoint, Pacific Bell Mobile Services, PrimeCo, the Personal Communications Industry Association, and Siemens.

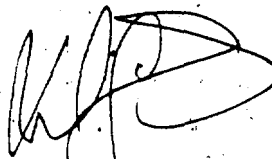
7. This action is taken pursuant to Sections 4(i), 4(j), and 5(c) of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), 155(c), and pursuant to the provisions of Sections 0.131(a), 0.201(a)(1), 0.331, and 1.3 of the Commission's Rules, 47 C.F.R. §§ 0.131(a), 0.201(a)(1), 0.331, 1.3.

8. Accordingly, IT IS ORDERED that enforcement of Section 20.18(c) of the Commission's Rules IS TEMPORARILY SUSPENDED, in the case of carriers using digital wireless systems, until the revised rule adopted by the Commission in the *E911 Reconsideration Order* takes effect upon publication in the Federal Register.

9. IT IS FURTHER ORDERED that wireless carriers who are subject to Section 20.18(b) of the Commission's Rules, 47 C.F.R. § 20.18(b), WILL BE CONSIDERED IN FULL COMPLIANCE with Section 20.18(b) to the extent they transmit without any delay all 911 calls they receive to a Public Safety Answering Point, regardless of their customer validation process, effective December 1, 1997.

10. IT IS FURTHER ORDERED that enforcement of Section 20.18 of the Commission's Rules, 47 C.F.R. § 20.18, IS TEMPORARILY SUSPENDED, in the case of any specialized mobile radio carrier or other wireless carrier who would not be defined as a "covered carrier" under the revised rules adopted by the Commission in the *E911 Reconsideration Order* until those rules take effect upon publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION



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